

FILED  
APR 28 2021  
Department of Insurance  
State of Idaho

**BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE**

**STATE OF IDAHO**

In the Matter of:

BERKSHIRE HATHAWAY DIRECT  
INSURANCE COMPANY,

Certificate of Authority No. 1108  
NAIC No. 10391

Docket No. 18-3909-21

**ORDER PERMITTING DEVIATION  
FROM NCCI WORKERS'  
COMPENSATION RATES**

On or about April 15, 2021, the Idaho Department of Insurance ("Department") received from BERKSHIRE HATHAWAY DIRECT INSURANCE COMPANY ("BERKSHIRE"), a Nebraska-domiciled insurer licensed to transact workers' compensation insurance in the state of Idaho pursuant to Certificate of Authority No. 1108, and a member of the National Council on Compensation Insurance, Inc. ("NCCI"), a request for permission to deviate from the workers' compensation rates filed by the NCCI by a uniform percentage decrease of fifteen percent (15%).

BERKSHIRE and the NCCI have each waived the right to a hearing on the deviation request.

The Department's Director ("Director"), having reviewed and being fully apprised of BERKSHIRE's request to deviate from the Idaho workers' compensation premium rates filed by the NCCI, and the requirements of Idaho Code § 41-1614, has determined that the requested rate deviation is justified.

### **NOTIFICATION OF RIGHTS**

This is a final order of the agency. Any party may file a motion for reconsideration of this final order within fourteen (14) days of the service date of this order. The agency will dispose of the motion for reconsideration within twenty-one (21) days of its receipt, or the motion will be considered denied by operation of law. See Idaho Code § 67-5246(4).

Any such motion for reconsideration shall be served on the Director of the Idaho Department of Insurance, addressed as follows:

Dean L. Cameron, Director  
Idaho Department of Insurance  
700 W. State Street, 3<sup>rd</sup> Floor  
P.O. Box 83720  
Boise, ID 83720-0043

Pursuant to Idaho Code §§ 67-5270 and 67-5272, any party aggrieved by this final order or orders previously issued in this case may file a petition for judicial review in the district court of the county in which:

- i. A hearing was held;
- ii. The final agency action was taken;
- iii. The party seeking review of the order resides, or operates its principal place of business in Idaho; or
- iv. The real property or personal property that was the subject of the agency action is located.

A petition for judicial review must be filed within twenty-eight (28) days of: (a) the service date of this final order, (b) the service of an order denying motion for reconsideration, or (c) the failure within twenty-one (21) days to grant or deny a motion for reconsideration, whichever is later. See Idaho Code § 67-5273. The filing of a petition for judicial review does not itself stay the effectiveness or enforcement of the order under appeal. Idaho Code § 67-5274.

### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 20<sup>th</sup> day of April, 2021, I caused a true and correct copy of the foregoing ORDER PERMITTING DEVIATION FROM NCCI WORKERS' COMPENSATION RATES to be served upon the following by the designated means:

Berkshire Hathaway Direct Insurance Company  
1314 Douglas Street, Ste. 1400  
Omaha, NE 68102-1944  
[apevarnik@berkre.com](mailto:apevarnik@berkre.com)

☒ first class mail  
☐ certified mail  
☐ hand delivery  
☒ email

National Council on Compensation Insurance  
Todd Johnson, State Relations Executive  
901 Peninsula Corporate Circle  
Boca Raton, FL 33487-1362

☒ first class mail  
☐ certified mail  
☐ hand delivery  
☐ facsimile

Edith L. Pacillo  
Deputy Attorney General  
Idaho Department of Insurance  
700 W. State Street, 3<sup>rd</sup> Floor  
P.O. Box 83720  
Boise, ID 83720-0043

☐ first class mail  
☐ certified mail  
☒ hand delivery  
☐ facsimile

  
Pamela Murray